

REMARKS

The FINAL Office Action issued April 14, 2008, and the Advisory Action issued June 18, 2008 have been carefully considered and these remarks are responsive thereto. Claims 1-23 have been amended as follows: claims 1, 3, 5, 7, 9-20, 22-23 as amended remain substantially as presented January 16, 2008, with correction of antecedent basis and clarifications. Applicants have added new independent claim 24 and new dependent claims 25-27 to describe features of FIG. 2. The Examiner has rejected claims 1-23 as anticipated by Luo, U.S. Publication No. 20030169713 under 35 U.S.C. 102(e). In particular, the Examiner provides detailed comments with respect to independent claims 1 and 5 at paragraph 4, pages 2-3. The Examiner provides comments with respect to claim 21 at page 21. Also, the Examiner comments on new dependent claims 22/1 and 23/5 at paragraph 23, page 7.

In his Advisory Action, the Examiner states:

Regarding applicant's remarks, applicant **mainly argues** that the prior art of record does not explicitly disclose a packet filter for filtering packet traffic. However, the prior art of record, Luo, discloses if the mobile host/client device is not authenticated, the status is set to "limited" which allows the access point to block all frames except certain packets used for network configuration (Luo: [0023]). Although the prior art discloses "frames", one with ordinary skill in the art would understand that frames are layer-2 data receives from the layer-3 packets and the access point has blocked/received packets intended to be forwarded to the mobile host in form of frames. Therefore, although the data received by the mobile host is in frames, the access points provides the filtering function by filtering unauthorized packets (Luo:[0023] lines 6-13) (our emphasis added).

Applicants respectfully traverse. The Examiner is supplementing Luo with uncorroborated remarks regarding what "one with ordinary skill in the art would understand" while appearing to admit that Luo does not discuss or suggest a packet filter for filtering packet traffic as recited. Moreover, the Examiner continues to disregard the context in which the packet filter for filtering packet traffic is described when the claims are read as a whole. The Examiner is respectfully requested to provide a reference discussing: "frames are layer-2 data receives from the layer-3 packets and the access point has blocked/received packets intended to be forwarded to the mobile host in form of frames. Therefore, although the data received by the mobile host is in frames, the access points provides the filtering function by filtering

unauthorized packets (Luo:[0023] lines 6-13)” where Luo does not provide such a discussion at [0023].

In response to the amendments made by Applicants, the Examiner points in his FINAL Office Action to paragraphs [0022] and [0023] of Luo at paragraph 24, Page 8, for support that a “packet traffic filter” as recited is found in Luo:

According to the specification, the packet traffic filter aims to redirect the client terminal 140 n to the designated HTTP web server (Specification,; page 7 lines 15-16). Therefore, Luo teaches a mobile access point that redirects the request of the mobile host/client to the authentication server (Luo: [0035]) and Luo also discloses that the access point maintains operation states of mobile host/client (Luo: [0022]-[0023]).

Applicants respectfully traverse. As previously pointed out, the Examiner cites to a cancelled portion of the specification and finds only the cancelled function, not the recited function or structure of the amended claims 1 and 5. Applicants amended the specification at page 7 to read differently. In their preliminary amendment of September 14, 2005, Applicants amended page 7, lines 15-16 to read: “The invention herein provides a method for automatically configuring a IEEE 802.1x client terminal to provide secure access in a wireless local area network 115 comprising the steps of an access point 130n filtering traffic 330 associated with a *HTTP request from the client terminal* for access to the wireless network redirecting the *HTTP* to a designated web server 120, and issuing a request from the web server to the client terminal 140n for information 360 required to establish an authorized communication” (our emphasis added). It is respectfully submitted, therefore, that the Examiner has relied upon cancelled subject matter of the specification for his rationale. His rationale being flawed, Applicants now wish to direct the Examiner to his flawed reliance on [0022] and [0023] for support.

Applicants specifically pointed to the amended language of the specification at page 7 in his response filed January 16, 2008, as well as pointing to discussions of filtering in the Abstract, page 6, lines 12-28 and page 7, line 3 through page 8, line 1. In particular, the Applicants pointed to the words at page 7 referenced above of the specification as an advantage.

At MPEP 707.(f), Examiners are encouraged to “state the reasons for his or her position in the record, preferably in the action following the assertion or argument relative to such advantages.” Here, the Examiner is silent about the advantage and cites to cancelled subject matter. At MPEP 706.07, “present practice does not sanction hasty and ill-considered final

rejections.” “The Examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between the applicant and the examiner should be developed, if possible, before appeal.”

Applicants respectfully incorporate by reference their Remarks/Arguments made in their January 18, 2008 amendment and his Request for Reconsideration filed May 20, 2008, and the arguments made will not be further presented in the amendment.

The Examiner, having failed to make a *prima facie* case of anticipation of independent claims 1 and 5, let alone, new claims 22 and 23 dependent thereon, is respectfully requested to withdraw his rejection of the pending claims as previously presented as anticipated. It is respectfully submitted that the independent claims 1 and 5 are in condition for allowance and that further features recited in dependent claims 22 and 23 have not been shown to be anticipated by Luo, and the rejection of claims 1-23 should be withdrawn.

Claim 21

Claim 21 is an independent claim supported by the Client 140 depicted in FIG. 1 and FIG. 2. Claim 21 is rejected as anticipated by Luo with reference to Luo [0018] for EAP for means for receiving an extended authentication protocol request identification packet. At [0013], Luo discusses “Lightweight Extensible Authentication Protocol (LEAP)” and Luo states: “the user must create an account using an out-of-band method, even if he or she is within the coverage of the LAN” as a problem.

In [0018], Luo discusses EAP-TLS or EAP-TTLS-PAP as potential authentication methods and specifically describes: “The Web-based authentication server employs a Web page for initial authentication and a Java applet (or an equivalent client-side program delivered by the Web page and installed by the user. Hereafter it is assumed to be a Java Applet for the sake of simplicity, although a binary code is preferred) for consequent authentications. In the Web page, registered users can manually, or configure their Web browsers to automatically, submit their authentication credentials. . .” Luo [0018] does not provide a discussion of “means for receiving an extended authentication protocol request identification packet,” as supported by FIG. 2. The Examiner is respectfully requested to cite to support for his rejection as [0018] appears to be silent as to the “means for receiving . . .” Luo discusses EAP conditionally as one or another of EAP-TLS or EAP-TTLS-PAP. The Examiner is requested to cite to and provide a copy of a

document discussing EAP in the context of claim 21 on which the Examiner relies if such a document further supports the Examiner's position.

The Examiner cites to Luo [0018] also for "forwarding an extended authentication protocol response identity message packet." The manual or automatic submission of credentials described by Luo is not described as "an extended authentication protocol response identity message packet." Again, the Examiner is respectfully requested to cite support for his rejection based on Luo or another reference.

The Examiner cites to Luo [0018] also for "means for receiving an extended authentication protocol failure message packet." It is respectfully submitted that nowhere in [0018] is failure mentioned, let alone, EAP failure. Again, the Examiner is respectfully requested to cite support for his rejection based on Luo or another reference describing EAP.

The Examiner relies on [0018] for other elements of claim 21 without providing specific references to supporting language. Again, the Examiner is respectfully requested to cite support for his rejection based on Luo or another reference describing EAP.

Finally, the Examiner relies on Luo [0035] for means related to a "packet traffic filter." Applicants have already urged that Luo fails to discuss a packet traffic filter.

It is respectfully submitted that the Examiner has failed to provide a *prima facie* anticipation rejection of claim 21 based on Luo alone. Applicants respectfully request reconsideration of independent claim 21 in view of the above remarks and reference to FIG.'s 1 and 2 of Applicants' specification and related discussion.

New claims 24-27

Claims 24-27 have been added to provide further detail of the operation of a packet filter module 330 depicted in FIG. 1 and whose operation as well as operation of a depicted 802.1x engine 325 are depicted in FIG. 2 and described in the specification as amended.

The Examiner is referred to the paragraph of the specification as amended at page 6, line 29 through page 7, line 7 wherein it is stated:

More particularly, FIG. 2 illustrates an embodiment of the method of the present invention wherein the access point 130.sub.n detects that the mobile terminal 140.sub.n is not an authenticated IEEE 802.1x client, and a redirected client 335 moves the process to thereby configure through an IP packet filter module 330 and move the process to the HTTP server 120 via a web request redirect 345. Alternatively, mobile terminal 140.sub.n may send a direct web access request 355, which is redirected by the packet filter module 330 to the HTTP server 120.

Applicants have added new claims 24-27 to particularly describe operation in the event of a state failure not discussed by Luo or any prior art of record. Consequently, the Examiner is requested to carefully consider claims 24-27 and perform a further search of the prior art as necessary for the subject matter of claims 24-27.

Applicants respectfully request reconsideration of the anticipation rejection of claims 1-23 and looks forward to prompt allowance of the application now further including claims 24-27. Our Washington DC counsel, Thomas Jackson, Registration No. 29808, has been authorized to request a telephonic or personal interview to further discuss allowability of the present application and claims. Should the Examiner have any questions on this request, the Examiner is urged to contact the undersigned attorney of record at the telephone number and address given.

The Office is authorized to charge additional claim fees to our deposit account 07-0832. In the event any additional fees or a refund is due, the Office is authorized to debit/credit our deposit account accordingly.

Respectfully submitted,
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